

VZCZCXRO4666
OO RUEHCHI RUEHDT RUEHHM
DE RUEHML #2284/01 1870807
ZNY CCCCC ZZH
O 060807Z JUL 07
FM AMEMBASSY MANILA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 7296
INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS IMMEDIATE
RHHMUNA/CDRUSPACOM HONOLULU HI IMMEDIATE
RUEKJCS/SECDEF WASHDC IMMEDIATE

C O N F I D E N T I A L SECTION 01 OF 02 MANILA 002284

SIPDIS

SIPDIS

E.O. 12958: DECL: 07/06/2017
TAGS: [PTER](#) [PGOV](#) [PHUM](#) [RP](#)
SUBJECT: LIKELY DELAY IN START OF NEW COUNTER-TERRORISM
LEGISLATION

REF: A. MANILA 752
[B](#). MANILA 599
[C](#). MANILA 560
[D](#). MANILA 465

Classified By: Pol/C Scott Bellard, reasons 1.4(b) and (d)

[1](#)1. (C) Summary. Doubts are growing that the Philippines' landmark counter-terrorism legislation will come into effect on July 15, due to complications over the drafting of implementing regulations, the need to translate and distribute the legislation and the regulations, and the necessity of educating law enforcement and national security officials about its contents fully. While potentially a significant new tool, the built-in human rights protections have caused many government officials to worry about its effectiveness, while human rights groups have expressed concern that they may be "targets." There may be some further tinkering with the Act in the next Congress, but the Administration vows to use the tools in the Act as fully as possible to eradicate terrorism in the Philippines, while still protecting human rights. End Summary.

[1](#)2. (U) President Arroyo on March 6 signed into law the "Human Security Act of 2007" (reftels), with a proviso that the law would not come into effect until July 15, or two months after the mid-term elections. An inter-agency working group, chaired by the National Intelligence Coordination Agency, then began work on implementing rules and regulations. Malacanang Palace publicly insisted on June 29 that the act would indeed still take effect on July 15, and on July 5 proclaimed that the President had already "instructed the soon-to-be-formed Anti-Terror Council" to "lead the information campaign on the Human Security Act in partnership with other departments," focusing "not only on the provisions of the law but its contextual backdrop -- the existence of terror cells throughout our region and the world," as well as on the government's "duty to keep our country safe; to prevent terrorists from playing god with people's lives." In public remarks on July 3, President Arroyo vowed to use the provisions of the law to "crush the terrorist movement in the country...and also make us more effective in fighting terrorism together with our ASEAN brothers." She pledged in the remaining three years of her term to "deal a strategic defeat to the insurgency, modernize the military in its twin roles of defense and development, advance the protection of human rights, push terrorism back and give peace in Mindanao, and expand our alliances for regional and global security."

[1](#)3. (U) Even as various government officials have now begun publicly and privately to backpedal on the actual start-up date, human rights groups and others have expressed long-standing concerns about becoming "targets" of the new law. Some have voiced special concerns that National Security Advisor Norberto Gonzales, during his tenure as

Officer-in-Charge of the Department of National Defense in July, will seek to use provisions of the Act to take unprecedented steps against the Communist Party of the Philippines/New People's Army and perhaps against legal leftist groups. Others have noted fears of possibly over-extensive use of new electronic surveillance provisions, allegedly even against journalists. The National Union of Journalists of the Philippines has publicly called parts of the new Act potentially a "threat to press freedom and the people's right to know." In response, Chief of Staff of the Armed Forces of the Philippines General Hermongenes Esperon on July 5 specifically offered assurances that the government would not use the new Act to crack down on members of the media, but rather to capture terrorists.

14. (C) According to Police General German Doria, head of the Philippine National Police's new Human Rights Affairs Office, the logistics of coordinating the 46-agency group drafting the implementing regulations have been daunting. He predicted little hope that these comprehensive and complicated documents could possibly be ready by July 15. Once ready, there will be the additional challenges of translating them into Tagalog and other key languages and of disseminating their contents to the relevant offices throughout the country. Separately, National Bureau of Investigation Director Nestor Mantaring described to Pol/C the frustration in the law enforcement community about the built-in human rights protections in the Act. He noted still-unresolved concerns about how the law enforcers could effectively go after terrorists with the additional tools of the Act without risking the severe financial penalties that the Act prescribed. He could offer no realistic projection of when a consensus draft version of the implementing regulations might be available, and cited ongoing contentious

MANILA 00002284 002 OF 002

discussions within the inter-agency group.

15. (C) Xerxes Nitafan, Secretary of the Senate Committee on Public Order and Illegal Drugs, separately commented to poloff that the Act as it currently stands was "unimplementable," adding that Administration supporters are already working on amendments and revisions for consideration at the next legislative session, which will begin on July 23.

Nitafan noted that the likely next Committee Chairman will be one of four Senators who is a graduate from the Philippine Military Academy: Panfilo Lacson, Antonio Trillanes IV, Rodolfo Biazon, or Gregorio Honasan.

16. (C) Atty. Narcisa Guevarra, Secretary of the House Committee on Justice, admitted that the Act was "not perfect" (noting that the original House version had been quite different) and would clearly need "fine tuning as we go along." She added that incumbent chairman Simeon Datumanong would likely step down from this Committee. Possible replacements included Congressmen Luis Villafuerte and Edcel Lagman, but she commented that the distribution of all committee chairmanships are part and parcel of the still-ongoing jockeying for the Speaker's position.

17. (C) Comment: The Act is clearly ambitious and difficult to translate into workable terms that will satisfy both the law enforcers and the human rights community. Many have also predicted legal challenges to various provisions up to the Supreme Court in the coming months and perhaps years. Despite these difficulties, the Administration is committed to finding solutions that will give it additional needed tools against terrorism, while ensuring the fullest protection of the rights of its law-abiding citizens.

Visit Embassy Manila's Classified website:
<http://www.state.sgov.gov/p/eap/manila/index.cfm>
KENNEY